BILL NO. S-90-05-35

SPECIAL ORDINANCE NO. S-125-90

AN ORDINANCE approving the awarding of Reference #927 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and **MACDONALD MACHINERY CO., INC.** for the Water Maintenance & Service Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #927 between the City of Fort Wayne, by and through its Department of Purchasing and **MACDONALD MACHINERY CO., INC.** for the Water Maintenance & Service Department, respectfully for:

> **the purchase of five (5) trailers for the Water Maintenance & Service Department;**

involving a total cost of Thirty-Eight Thousand Nine Hundred Ninety and no/100 Dollars ($38,990.00), all as more particularly set forth in said Reference #927 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns

Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay

J. Timothy McCaulay, ~~City~~ Attorney

REF. NO.:	927
DEPT.:	WATER MAINTENANCE
DATE:	5/15/90
ITEM/SERV.:	TRAILERS

PURCHASING INFORMATION

ADVERTISED BID:	YES
DATES ADVERTISED:	2/16 & 2/23
OPENING DATE:	3/8/90
WRITTEN QUOTE:	
DUE DATE:	
VERBAL QUOTE:	
SINGLE SOURCE:	
NO. OF VENDORS NOTIFIED:	13
NO. OF VENDORS RECEIVING BID:	12
NO. OF VENDORS RETURNING BID:	5
NO. OF VENDORS DISQUALIFIED:	1
NO. OF VENDORS NOT RESPONDING:	8
DATE SENT TO DEPT FOR RECOMM.:	3/8/90
DATE RECOMMENDATION REC'D IN PURCH:	5/15/90
COUNCIL INFORMATION	DATES SENT EXTENSION DATES
DATE INFO SENT TO LAW DEPT.:	5/15/90
INTRODUCTION DATE:	5/22/90
DISCUSSION DATE:	6/5/90
PASSAGE DATE:	6/12/90
ORDINANCE NO.:	

AMOUNT APPROVED AND/OR SPENT
LAST YEAR: (IF APPLICABLE)

REFERENCE NO. 927
TRAILER
WPC MAINTENANCE

ITEM	ALLEN CO FORD	DEEDS	TRI RIVER	MAC DONALD	MUTTONS
TOTAL	$7,993.00	$8,975.00	$8,500.00	$7,798.00	DISQUALIFIED
DELIVERY	60 DAYS	30-45 DAYS	60 DAYS	30 DAYS	

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 3-8-90 @ 11:00 AM BID REFERENCE # 927

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR DUAL WHEELS TANDEM AXLES TRAILER PER SPECIFICATIONS

AND REQUESTED BY WATER POLLUTION CONTROL MAINTENANCE

THIS BID REQUIRES A XXXXX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____% IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME MacDonald Machinery Co., Inc.

STREET ADDRESS 3911 Limestone Drive

CITY Fort Wayne PHONE # (219) 747-1561

BY _____
REPRESENTATIVE SIGNATURE

W.P.C.M.D.

CITY UTILITIES

SPECIFICATIONS

DUAL WHEELS TANDEM AXLES TRAILER
GENERAL PROVISIONS AND REQUIREMENTS

General

It is the intent and purpose of these specifications to secure for the W.P.C.M.D. the necessary equipment and accessories which shall comprise and furnish the system described above. A detailed list of components required is included and is the basis on which the supplier's proposal shall be made.

Materials, Workmanship and Omissions -

All equipment, materials and workmanship shall be of the highest grade in accordance with modern practice. The equipment supplied shall be new and unused except for the necessary testing, calibration and transportation. Any omissions from the specifications of a detailed description concerning any point shall be regarded as meaning that only materials of the highest quality and correct type, size and design are to be used. All interpretations of these specifications shall be made on the basis of this statement.

Warranty

All items furnished in accordance with these specifications shall be covered by the manufacturer's and/or supplier's standard warranty or guarantee on new equipment. The minimum warranty period on new equipment shall be at least one year, to start after final acceptance by the owner.

Reference

Reference within this spec. to a brand name or manufacture name or spec. are for reference only, and may be supplied with an approved substitute of equal or better quality.

Experience

The equipment to be furnished shall be the product of a qualified firm that is regularly engaged in the manufacture and supply of this equipment. A qualified firm shall be defined to mean one which has

manufactured and sold twenty or more of the specified units during the past two years. A list of at least five users shall be supplied.

Parts and Service

To best serve the requirements of the the W.P.C.M.D., it is the intent of these specifications to secure equipment which can be properly maintained and serviced without the necessity of stocking an expensive parts inventory or being subjected to long periods of interrupted service due to lack of spare parts.

All suppliers submitting proposals shall have available a factory parts and service center. The center shall be staffed with full time technical, as well as order and shipping personnel during regular business hours and days. The factory center shall have toll free telephone or agree to accept all collect calls from owner and be convenient to air freight, bus or overnight parcel service. The supplier shall list its nearest parts and service location, plus any other pertinent information requested.

Exceptions and Acceptability

Exceptions to the component list and specification requirements, or failure to submit requested information shall be considered sufficient cause for rejection of a proposal. W.P.C.M.D., CITY UTILITIES, CITY OF FORT WAYNE, reserves the right to reject any/or all bids, to waive any and all informalities, to negotiate contract terms with the successful bidder, and the right to disregard all nonconforming, nonresponsive or conditional bids, if rejection or waiver is in its best interest.

Information to be furnished by the supplier

Each supplier shall furnish the following information with its proposal: (Please check each item to indicate compliance)

A. Bid Price Page X

B. Detailed Component List Including Spare Parts X

C. Complete System Specifications X

D. Literature describing all major components in detail to include all optional equipment X

E. Photographs of a complete unit identical to the one to be supplied X

F. Compliance to the specifications shall be answered by a yes or no, and deviations and/or exceptions shall be clearly indicated on an attached sheet and referenced by component to aid in proper evaluation X

G. Supply full details outlining warranty X

H. Supply certified surety company's statement of readiness to furnish a 100% performance bond within 10-day notice X

I. Supply full details outlining service policy including factory parts and availability of full-time staff X

Certificate of Insurance

The successful bidder shall supply a minimum of $1,000.000 of Bodily Injury and Property Damage Insurance, including but not limited to a Broad Form Liability Endorsement and Products and Completed Operations coverage. A Certificate of Insurance showing the $1,000,000 coverage shall be provided with the bid. Failure to supply the certificate of insurance shall be considered sufficient cause for rejecting the bid.

Bid Prices

Bid prices, including optional-item-bid-prices, for this system, as specified, shall include, but not be limited to, the following:

a. The complete system installed and delivered to W.P.C.M.D., City Utilities, 503 E. Wallace Street, Fort Wayne, Indiana;

b. Any and all costs of specified instructions/testing.

Specifications

The following are specifications for a new tandem axle equipment trailer:

Minimum Capacity:	24,000 lbs.
Minimum Trailer Weight:	5,400 lbs.
Overall Length:	28' 8"
Overall Width	96"
Platform Length:	24'

Platform Width:	96"
Dovetail Length:	4'
Decking:	2" Hardwood
Heavy Duty Axles:	Two, 12,000 lbs. each
Brakes:	Electric
Tires:	9.00 x 14.5 - 12 PR
Wheels:	8 Hole "BUDD" Type Disc
Lights & Electric:	DOT Approved
Hitch:	Adjustable Pentle Eye

Wet Cell Break-A-Way Switch System

Heavy Duty Jack Stand

W.P.C.M.D.
CITY UTILITIES
CITY OF FORT WAYNE

503 E. WALLACE ST.
FORT WAYNE, IN 46802
(219) 427-1255

BID PRICE PAGE
BASE BID

DUAL WHEELS TANDEM AXLES TRAILER
(Per Attached Specifications)

BID PRICE $ 7,798.00 Seven thousand seven hundred & ninety-eight
(Price in Words)

DELIVERY AFTER RECEIPT OF ORDER: 30 days (Calendar)

VALIDITY OF PRICE ON BASE BID: 60 days (Calendar)

COMPANY NAME: MacDonald Machinery Co., Inc.

(Company Bidder's Signature)

Mark J. Johnston - Secretary
(Bidder's Typed Name)

DATE: March 8, 1990

TOLL-FREE TELEPHONE NUMBER (219) 747-1561

Prescribed by the State Board of Accounts

Form No. 95 (Revised 1987)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: March 8, 1990

1. Governmental Unit: City of Fort Wayne
2. County: Allen
3. Bidder (Firm): MacDonald Machinery Co., Inc.
   Address: 3911 Limestone Drive
   City/State: Fort Wayne, IN 46809
4. Telephone Number: (219) 747-1561
5. Agent of Bidder (If applicable):

Pursuant to notices given, the undersigned offers bid(s) to City of Fort Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Signature of Bidder or Agent

Mark J. Johnston - Secretary

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount
			See Enclosed		

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
Allen COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

MacDonald Machinery Co., Inc.
Bidder (Firm)

Signature of Bidder or Agent

Subscribed and sworn to before me this 8 day of March, 1990.

My Commission Expires: February 19, 1991

County of Residence: Allen

Notary Public

Elaine Vodde
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____

_____ _____

_____ _____

MacDonald Machinery Co., Inc.

CONSTRUCTION EQUIPMENT AND SUPPLIES

3911 LIMESTONE DRIVE • FORT WAYNE INDIANA 46809 • AC 219 747-1561
MAIL: P.O. BOX 11372 FORT WAYNE INDIANA 46857

March 7, 1990

City of Fort Wayne
City County Bldg., Room 350
Fort Wayne, Indiana 46802

Gentlemen:

The following is our Bid per your specifications:

One - New 1990 Interstate Trailer;
Model 24DT
GVWR 30,200 lb
Carring Capacity 24,000 lb
19' Flat Deck - 5' Beavertail
28' 8" over all length
24" Platform Length
(2) 12,000 lb Axles
12¼ x 5" Electric Brakes
9.00 x 14.5, 12 Ply Tires
Budd Wheels

Net Price Delivered $7,798.00

Should you have any questions please contact us.

Sincerely,
MACDONALD MACHINERY CO., INC.

Mark J. Johnston,
Secretary

Bond No.....

Fidelity and Deposit Company

HOME OFFICE OF MARYLAND BALTIMORE, MD. 21203

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, MacDonald Machinery Company, Inc.
P.O. Box 11372, Fort Wayne, IN 46857
....., as Principal, (hereinafter called the "Principal"), and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, of Baltimore, Maryland, a corporation duly organized under the laws of the State of Maryland, as Surety, (hereinafter called the "Surety"), are held and firmly bound unto City of Fort Wayne, Indiana
.....
.....as Obligee, (hereinafter called the "Obligee"), in the sum of Five Percent (5%) of Maximum Bid----------Dollars ($.....), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for.....
One (1) New Dual Wheels Tandem Axle Trailer
.....
.....
.....

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 8th day of March A.D. 1990

Scott T. Frame
Witness

MacDonald Machinery Company, Inc.
By: ..... (SEAL)
Principal
SECRETARY
Title

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Surety

Diana L. Smith
Witness

By: ..... (SEAL)
Attorney-in-Fact
Title

C325d—150M.
Approved by The American Institute of Architects.
A.I.A. Document No. A-310 February 1970 Edition.

Power of Attorney

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE, BALTIMORE, MD

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. PECOT, JR. , Vice-President, and C. W. ROBBINS Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint John H. Brimner, Stephen E. Stewart, Kathryn J. Beauchot and Tamara L. Tipton, all of Fort Wayne, Indiana, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, each in a penalty not to exceed the sum of ONE MILLION DOLLARS ($1,000,000).....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of John H. Brimner, et al., dated, August 11, 1989.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 16th day of January, A.D. 1990.

FOR PROTECTION
LOOK FOR THE RAISED WATERMARK

ATTEST: SEAL

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

C W Robbins
Assistant Secretary

By C M Pecot
Vice-President

STATE OF MARYLAND
CITY OF BALTIMORE } ss:

On this 16th day of January, A.D. 19 90, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposeth and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

CAROL J. BADE NOTARY PUBLIC BALTIMORE CITY

Carol J. Bade

Notary Public Commission Expires July 1, 1990

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 8th day of March, 19 90.

044-3435

Christopher T. Maddox
Assistant Secretary

Read the first time in full and on motion by Burns, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference ~~Room~~ 128, ~~City-County~~ Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATED: 5-22-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			2
BRADBURY				✓
BURNS	✓			
EDMONDS	✓			
GiaQUINTA				✓
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 6-12-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~RESOLUTION~~ NO. S-125-90 on the 12th day of June, 19 90,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

Charles B. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of June, 19 90 at the hour of 11:45 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 22d day of June, 19 90, at the hour of 3:00 o'clock P.M.,E.S.T.

PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 927 for five (5) trailers for the Water Maintenance & Service Department. The costs reflect the lowest and most responsive of five (5) vendors.

S-98-05-35

EFFECT OF PASSAGE: These will be used to tow the backhoes from job to job, saving repair on machines. Allows more flexibility of movement.

EFFECT OF NON-PASSAGE: These will replace older trailers, which are unsafe and constantly in need in repairs.

MONIES INVOLVED: Mac Donald Mach $38,990.00

PRICE AGREEMENT:

PURCHASE ORDER: Yes

SOURCE OF FUNDING: Water Maint 513-523-B101-4444

PRIOR APPROVAL: DATE:
(IF APPLICABLE)

BILL NO. S-90-05-35

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
MARK E. GiaQUINTA, VICE CHAIRMAN
HENRY, LONG, TALARICO

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving the awarding of Reference #927 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MACDONALD MAHCINERY CO., INC. for the Water Maintenance & Service Department

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC
Paul M. Burns			
Mark E. GiaQuinta			
Samuel J. Talarico			

DATED: 6-12-90.

Sandra E. Kennedy
City Clerk